

AppIn No. 10/729,456  
D. Newman et al.  
Office Action dated May 5, 2004

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the Official Action dated May 5, 2004. This amendment is intended to be fully responsive thereto.

#### **The 35 USC 102 Rejection**

In the Office Action, the Examiner has rejected the claims of the present invention under 35 USC 102(e) as clearly anticipated by Auer et al. Applicants respectfully contest this asserted anticipation for the reasons described herein below.

Auer et al clearly relates to an automotive HVAC unit described as having a housing, outlets, ducts and temperature zones. Auer also discloses a unit having a number of doors (34) which are either linked to one another or unlinked to one other to control with the goal to provide multiple independent temperature zone control to the passenger within the vehicle (see paragraph 2, background, for the problem and discussion in multiple paragraphs, (for example, 27, 30, 31, etc.) of Auer et al). By controlling the Positioning of the doors, air is sent to different temperature zones. As shown in paragraph 18, links can be found between the first blend door (34) and the second blend door (36), so that the proportions of air from the heater core and evaporator can be regulated.

The doors of Auer et al are defined in the specification as being blend doors which are pivotably mounted within a modular insert (e.g. paragraphs 17, 21, 22, etc. of Auer et al). No where in the description or in the Figures is shown a door, or, even more particularly a blend door, which has, as *an essential element*, an air mixture structure *Inside the Door Itself*. As described on pages 5 and 6 of the present specification, by locating a baffle in the essentially unused space inside the door, multiple functions contributed by the door and the baffle can be performed concurrently with fewer space restrictions.

Getting back to Auer et al, and specifically referring to figures 3a, and, in particular, figure 4, (34) blend door, is clearly shown to have no insert or air

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mixture features within the door. Since the goal of Auer et al, and, of the prior art of which Applicants are aware, is to use the door merely as a means for providing temperature zones with a certain proportion of air (i.e. air enters the blend door, and, by positioning of the door, a certain percentages enters the zone, depending on where the doors are controlled to be), there is no structure within the door itself, such as an air mixture structure or 'baffle' and, particularly, no description, suggestion, or teaching of a need for locating such an element therein, prior to the air's passage into the zone's outside, downstream or after the door itself.

Auer et al, therefore, appears to provide for a continuous (i.e. door with essentially unused space inside) blend door, with no means or associated air mixture device (baffle) within the interior space of the blend door. The idea of providing for a door wherein plural air passages and therefore flows occur within the door itself by means of a baffle, and, in particular, a cross flow baffle which allows air to "cross" or 'cross flow' in the interior space of the door prior to being provided to a 'temperature zone' as in Auer et al, and none of the claims of the present invention is described, taught or suggested, alone or in combination with any prior art known to Applicants, by Auer et al.

Applicants contend that the air mixture structure (baffle), located within a door, or, in particular, a blend door, or even in a blend door of a particular configuration —(a barrel-like configuration or barrel door as it is common known in the art)(see also page 7 lines 31-34 and Figures 3 and 4 of the present specification), as described in the present claims, *is not described, taught or suggested by Auer et al.*

Applicants understand that the specification of Auer et al provides a solution of providing air to different temperature zones of the HVAC. However, Applicants' invention, as described in the present claims, provides a solution to the problem of providing air passage or flow pluralities prior to any zones common to those described in Auer et al, and, therefore, is both new and unobvious based upon any prior art cited by the Examiner or of which Applicants are aware. By providing a door with a baffle located within the door, or more specifically, a baffle/blend door assembly as described on page four, lines 8-13, and page 9 of the present specification, using a cross flow baffle, heretofore not described or suggested by the prior art to be part of a baffle/blend door assembly as in the present invention, Applicant achieves a different result of air flow in the door area itself (prior to the air leaving the inner spaces of the door itself), i.e. prior to arriving at any subsequent or post door temperature zone, and an effect different than the effects when a baffle is located separately, or apart from, a feature like a door feature itself.

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#### The 35 USC 112 Rejection

The Examiner also rejected Claim 11 as being indefinite for failing to 'particularly point out and distinctly claim the subject matter which applicant regards as the invention. The intention of claim 11 was to clarify that one of the advantages of one of the preferred embodiments of the present invention is that the baffle/blend door assembly could be attached to the housing using a sliding motion. The claim has been amended to clearly recite this feature, and Applicants respectfully submit that currently amended claim 11 overcomes this rejection and that claim 11 is now in condition for allowance.

#### The 37 CFR 1.75(c) Objection

The Examiner has also objected to claim 2 under 37CFR 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of a previous claims. Applicants respectful question this objection, as it is not clear to Applications.

Applicants respectfully submit that within the HVAC unit there can be a number of different doors, such as mode doors, which are not, in essence, blend doors, but which may have a baffle, such as that taught in the present invention, located within the mode door. Therefore, claim 2, providing for a blend door, is seen as dependent. However, to expedite prosecution, Applicants have placed currently amended claim 2 in independent form in line with the request of the Examiner.

No new matter has been added.


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The Drawings

Element (110), the cross flow baffle of the baffle/blend door assembly, was inadvertently not shown on Fig. 5. Though the Examiner has not required any amendments, Applicants feel that showing this feature may further clarify this drawing and respectfully request the Examiner to consider such an amendment. No new matter has been added.

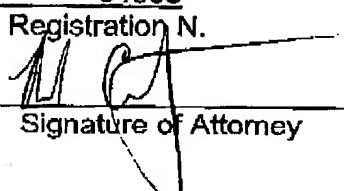
It is respectfully submitted that claims 1-11 are now in condition for allowance. Should the Examiner believe further discussion regarding any of the above amendments is necessary, they are invited to contact the undersigned at the number listed below.

Respectfully submitted:

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I hereby certify that this correspondence is being transmitted by facsimile to the Assistant Commissioner for Patents, Alexandria VA, 22313-1450 on August 5, 2004

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Signature of Attorney